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DOCKET NO.: RUBC-0046 (99-0002US)

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Joachim Messing and Jinsheng Lai

Application No.: 09/763,329

Filing Date: July 9, 2001

**For: Compositions And Methods For Producing High-Level Seed-Specific Gene
Expression In Corn**

Confirmation No.: 4832

Group Art Unit: 1638

Examiner: Ashwin D. Mehta

DATE OF DEPOSIT: May 5, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING
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Scott E. Scioli

TYPED NAME: Scott E. Scioli
REGISTRATION NO.: 47,930

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **November 5, 2003** finally rejecting claims **11, 13, 14, 16, 17, 22-27, 29 and 30** of the above-identified patent application.

05/10/2004 WABDEL R1 00000036 09763329

02 FC:2253

475.00 OP

05/10/2004 WABDEL R1 00000037 09763329

01 FC:2401

165.00 OP

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The item(s) checked below are appropriate:

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as : \
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action dated November 5, 2003 due on February 5, 2004 to and through May 5, 2004 comprising an extension of the shortened statutory period of three months.

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$165	\$165.00	\$330	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$0.00	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$210	\$0.00	\$420	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$475	\$475.00	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$740	\$0.00	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1005	\$0.00	\$2010	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$0.00)	minus	(\$)
TOTAL FEE DUE		\$640.00		\$0

- ☒ A check in the amount of **\$640.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$.00 . This sheet is attached in duplicate.

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- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

Date: May 5, 2004



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Registration No. 47,930

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